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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 JUAN OCHOA PEREZ,

No. C-08-3290 TEH (PR)

12 Plaintiff,

13 v.

ORDER OF DISMISSAL

14 COUNTY OF SAN MATEO, et. al.,

15 Defendants.
16 _____/

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18 Plaintiff Juan Ochoa Perez has filed a pro se civil rights
19 Complaint for damages under 42 U.S.C. section 1983 alleging that on
20 June 27, 2006, while he was in the custody of the San Mateo County
21 Jail, he slipped and fell on a wet floor while working in the jail
22 kitchen. Plaintiff sustained injuries to his back that rendered him
23 totally disabled. In his Complaint, Plaintiff did not identify by
24 name any specific Defendant who may be liable for his injuries; he
25 only named as Defendants the County of San Mateo, the San Mateo
26 County Sheriff's Department, the San Mateo County Jail, and the San
27 Mateo County Health Services Agency.

28 Because Plaintiff's Complaint contained only conclusory

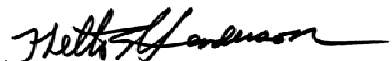
1 allegations that were insufficient to state a claim upon which
2 relief may be granted, the Court per order filed on April 15, 2009
3 afforded Plaintiff thirty days to amend his Complaint to allege
4 facts identifying who allegedly deprived Plaintiff of his
5 constitutional rights and how those particular Defendants
6 proximately caused the alleged deprivation. Doc. #11. Plaintiff
7 was advised that failure to file a proper Amended Complaint within
8 the designated time would result in dismissal of the action. Id.

9 Over forty days have elapsed since Plaintiff was ordered
10 to file an Amended Complaint. Plaintiff, however, has failed either
11 to file an Amended Complaint or seek an extension of time to do so.
12 Accordingly, the action is DISMISSED without prejudice.

13 The clerk shall close the file and terminate all pending
14 motions as moot.

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16 IT IS SO ORDERED.

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19 DATED 05/26/09



THELTON E. HENDERSON
United States District Judge

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